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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

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8 JULIUS BRADFORD,

9 v.

Petitioner,

10 CALVIN JOHNSON, et al.,

11 Respondents.

12 Case No. 2:21-cv-00025-KJD-DJA

13 ORDER

14 Petitioner Julius Bradford has submitted a document captioned as a petition for a  
15 writ of habeas corpus. ECF No. 1-1. Bradford is currently awaiting re- trial in Clark  
16 County, Nevada, after his prior conviction for first degree murder with use of a deadly  
17 weapon was reversed on appeal. Claiming the state proceeding violates his  
18 constitutional rights, he seeks habeas relief in this court.

19 As a general matter, a federal court will not entertain a habeas petition seeking  
20 intervention in a pending state criminal proceeding, absent special circumstances. See,  
21 e.g., *Sherwood v. Tomkins*, 716 F.2d 632, 634 (9th Cir. 1983); *Carden v. Montana*, 626  
22 F.2d 82, 83 85 (9th Cir. 1980); *Davidson v. Klinger*, 411 F.2d 746 (9th Cir. 1969). This  
23 rule of restraint ultimately is grounded in principles of comity that flow from the  
24 abstention doctrine of *Younger v. Harris*, 401 U.S. 37 (1971). Under the *Younger*

1 abstention doctrine, federal courts may not interfere with pending state criminal  
2 proceedings absent extraordinary circumstances.

3 The more immediate problem, however, is that Bradford did not file an  
4 application to proceed *in forma pauperis*, nor did he pay the filing fee of five dollars  
5 (\$5.00). In addition, his petition is entirely hand-written rather than being submitted on a  
6 court-approved form. See Local Rule, LSR 3-1 (requiring habeas petitioners to file their  
7 petitions on the court's approved form). Accordingly, this matter has not been properly  
8 commenced.

9 Thus, the present action will be dismissed without prejudice to the filing of a  
10 habeas petition pursuant to 28 U.S.C. § 2241 or § 2254 in a **new** action with either the  
11 \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper  
12 form with both an inmate account statement for the past six months and a properly  
13 executed financial certificate.

14 IT IS THEREFORE ORDERED that this action is dismissed without prejudice to  
15 the filing of a petition in a **new** action with either the \$5.00 filing fee or a properly  
16 completed application form to proceed *in forma pauperis*.

17 IT IS FURTHER ORDERED that a certificate of appealability is denied, as jurists  
18 of reason would not find the court's dismissal of this improperly commenced action  
19 without prejudice to be debatable or incorrect.

20 IT IS FURTHER ORDERED that the Clerk shall send petitioner two copies each  
21 of an application form to proceed *in forma pauperis* for incarcerated persons, a Section  
22 2241 form, and a noncapital Section 2254 habeas petition form (with a copy of the  
23 instructions for each form); and a copy of the papers that he submitted in this action.

1 IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and  
2 close this case.

3 DATED THIS 8 day of January, 2021.



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5 KENT J. DAWSON  
6 UNITED STATES DISTRICT JUDGE  
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